

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

RAFAEL FIGUEROA, KAHLIL CABBLE,)
 TY' ANTHONY SCOTT, and RYAN PETTY *on*) Case No. 2:20-cv-01484-LPL
behalf of themselves and all others similarly)
situated,)
)
 PLAINTIFFS,)
)
 v.)
)
 POINT PARK UNIVERSITY,)
)
 DEFENDANT.)

**PLAINTIFFS' UNOPPOSED MOTION TO PRELIMINARILY APPROVE CLASS
ACTION SETTLEMENT, CERTIFY THE CLASS,
APPOINT CLASS COUNSEL, APPROVE PROPOSED
CLASS NOTICE, AND SCHEDULE A FINAL APPROVAL HEARING**

PLEASE TAKE NOTICE THAT, upon the Declaration of Gary F. Lynch, sworn to on June 30, 2023, and the accompanying exhibits and memorandum of law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Named Plaintiffs Rafael Figueroa, Kahlil Cabble, Ty’Anthony Scott, and Ryan Petty will move this Court at the United States District Court for the Western District of Pennsylvania, Joseph F. Weis, Jr. U.S. Courthouse, Courtroom 7B, 700 Grant Street, Pittsburgh, PA 15219, before the Honorable Lisa Pupo Lenihan, United States Magistrate Judge, for an Order under Federal Rule of Civil Procedure 23: (1) preliminarily approving the proposed Settlement on behalf of the Settlement Class Members according to the terms of the Stipulation of Settlement; (2) provisionally certifying, for purposes of the Settlement only, the following Settlement Class:

All students enrolled at Point Park University (“PPU”) who paid tuition and/or the mandatory fees for a student to attend in-person class(es) during the Spring 2020 semester at the University but had their class(es) moved to online learning, with the exception of; (i) any person who withdrew from PPU on or before March 12, 2020; (ii) any person enrolled solely in a program for the Spring 2020 semester that was originally delivered as an online program without regard to any changes in modality resulting from the COVID-19 pandemic; (iii) any person who properly executes and files a timely opt-out request to be excluded from the Settlement Class; and (iv) the legal representatives, successors or assigns of any such excluded person;

(3) preliminarily appointing Named Plaintiffs Rafael Figueroa, Kahlil Cabble, Ty’Anthony Scott, and Ryan Petty as Settlement Class Representatives; (4) preliminarily appointing the law firm of Lynch Carpenter, LLP as Class Counsel to act on behalf of the Settlement Class and the Settlement Class Representatives with respect to the Settlement; (5) approving the Parties’ proposed settlement procedure, including approving the Parties’ selection of A.B. Data, Ltd. as Settlement Administrator and approving the Parties’ proposed schedule; (6) entering the proposed Order Preliminarily Approving the Proposed Settlement and Provisionally Certifying the Proposed Settlement Class, attached as Exhibit A to the Settlement Agreement, which is attached as Exhibit 1 to the Declaration of Gary F. Lynch; and (7) granting such other and further relief as may be just and appropriate.

Oral argument is requested to the extent desired by the Court.

Dated: June 30, 2023

Respectfully submitted,

/s/ Gary F. Lynch
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